

SECRET

14 August 1963

MEMORANDUM FOR THE RECORD

SUBJECT: Clearance Procedures

1. Bob Neal, on the staff of the Senate Preparedness Investigating Subcommittee, called to say Senator Stennis would like to meet with an Agency representative to discuss clearance procedures. He indicated DOD and AEC would have representatives present.

2. After discussing this with Mr. Kirkpatrick, I attended the 25X1 meeting with [redacted] Senator Stennis and Senator Saltonstall were present and the three principal points made concerned (1) the amount of time consumed in clearing transcripts and (2) the actual clearance itself and methods of reconsideration of deleted material and finally (3) the fundamental issue of whether the agencies had the final say on a security deletion or whether the Committee and the Senators had a final say.

3. Senator Stennis turned to AEC first and their representative who referred to the AEC act. He then turned to the DOD representative who very quickly deferred to the Agency with respect to USIB material. In response to Senator Stennis' queries to me on the law, I stated that classification of the material was based fundamentally on the espionage laws, the executive order governing classified material and other pertinent laws. I specifically referred to protection of intelligence sources and methods from unauthorized disclosure. I stated that it was our responsibility to indicate what material was classified under any of these laws and executive orders and that we assumed thereafter that whoever had access to the material would be responsible for his own actions. Both Senators Stennis and Saltonstall said they thought this was precisely correct. Stennis hastened to add that in any event where

SECRET

SECRET

an item came to issue, of course, as a matter of courtesy they would advise the department head and presumably in the final analysis the matter could go to the President. Stennis added that there had been no real difficulty in the past on this but he merely wanted to gain clarification.

4. The two Senators had to leave for floor business but in leaving said they appreciated our meeting with them and hoped for our future cooperation.

5. I was advised presently that one of the real problems causing the conference was the fact that a great deal of material included in Secretary McNamara's unclassified statement and in fact some declassified by McNamara during the course of the hearings was in fact marked classified in transcripts from previous days and these had been matters which many of the Senators had wanted to discuss on the floor. Another issue involved was the fact that certain transcripts which had gone out weeks before had not been returned to the Committee. It was quickly ascertained that CIA was not delinquent in any respect on the time factor.

JOHN S. WARNER
Legislative Counsel

OGC/LC:JSW:mks (14 Sept 63)

Distribution:

✓ Subject - Sen Preparedness Sub. File
Chrono.